

**214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-35918-2020 (O&M)

Date of decision : 25.03.2022

Kulwant Singh

....Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aditya Sanghi, Advocate for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.
None for the complainant.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.211 dated 04.05.2020 under Sections 307, 506 and 323 Indian Penal Code, 1860 registered at Police Station Rania, District Sirsa, Haryana, who is in custody since his arrest on 14.05.2020.

The allegations in the FIR, as noticed by the learned Additional Sessions Judge, Sirsa in the order dated 31.08.2020 are as under:

“Necessary facts of the bail application are that the present FIR has been registered in this case against the petitioner-accused on the complaint of complainant Manpreet Kaur wife of Kulwant Singh therein she alleged that she is household lady. She has two children. Her husband Kulwant Singh is a drug addict. Her marriage was performed about 19-20 years ago. They are residing in a rented house of

Shri Rau Chhabra. On 30.4.2020, at about 12.00 p.m. her husband demanded money from her. When she refused, then in the mean time her brother Partap Singh came there and handed over Rs.10,000/- to her. On seeing the money, her husband again demanded Rs.10,000/- but she refused. On this, he got annoyed. While her brother Partap Singh was in toilet, her husband picked up an iron wiper and hit on her head and threatened her to eliminate. In the mean time her brother stepped out from toilet and on seeing him, her husband fled away from the spot along with wiper and while going away accused-petitioner also threatened her with dire consequences. She lost her consciousness and her brother admitted her to City Health Care Centre, Sirsa for treatment. Initially FIR was registered under Sections 323 and 506 of Indian Penal Code. After taking opinion of the doctor, Section 307 of Indian Penal Code was added.”

Learned counsel for the petitioner has argued that the petitioner is being prosecuted for causing injury to his wife, namely, Manpreet Kaur and during trial, the material witnesses have already been examined by the prosecution, who have not supported the case. He has produced the depositions of PW 1-Manpreet Kaur, her brother, PW-2 Partap Singh as well as petitioner's son, PW-3 Anmolpreet Singh. According to him, the petitioner is in custody since 14.05.2020, therefore, he be released on bail.

On the other hand, learned State counsel assisted by SI Rajender has opposed the prayer, however, he does not dispute this fact that the injured and another eye witnesses have been examined, but according to him, out of total 15 prosecution witnesses only three witnesses have been examined. He on instructions further states that the

case is fixed today for recording the prosecution evidence before the trial Court.

Considering the above background and custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as twelve prosecution witnesses remain to be examined, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 14.05.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

25.03.2022

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No